

 Lee Morton

01/10/2008 03:26 PM

RRR000667

To: EIS Office@CRWMS
CC:
Subject: Fw: Yucca Mountain EISs

LSN: Not Relevant
User Filed as: Not a Record

----- Forwarded by Lee Morton/YM/RWDOE on 01/10/2008 03:27 PM -----

 Jane Summerson
01/10/2008 03:21 PM

To: Lee Morton
CC:
Subject: Fw: Yucca Mountain EISs

LSN: Not Relevant - Not Privileged
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----- Forwarded by Jane Summerson/YD/RWDOE on 01/10/2008 03:21 PM -----

 Rountree.Marthea@epamail.epa.gov on 01/10/2008 03:05:37 PM

To: Jane_Summerson@ymp.gov, Lee_Bishop@ymp.gov
CC:
Subject: Fw: Yucca Mountain EISs

LSN: Not Relevant - Not Privileged
User Filed as: Excl/AdminMgmt-14-4/QA:N/A

Dr. Summerson / Mr. Bishop,

As indicated below, EPA's comment letters for the Yucca Mountain EISs have been faxed to you per the instructions in the NOA. If you have questions, please do not hesitate to give me a call.

Regards,

Marthea Rountree

----- Forwarded by Marthea Rountree/DC/USEPA/US on 01/10/2008 05:57 PM -----

Marthea
Rountree/DC/USEP
A/US

01/10/2008 05:56
PM

Vivian Bowie

Eric.Cohen@eh.doe.gov,
Carol.Borgstrom@hq.doe.gov

To

CC

Yucca Mountain EISs

Subject

Vivian,

FYI - The following comments letters for the Yucca Mountain EISs were faxed to Dr. Summerson and Mr. Bishop as instructed in the NOA in the Federal Register.

(See attached file: Yucca Mt.Repository DSEIS Comment Ltr.pdf)
(See attached file: Yucca Mt. Rail DSEIS Comment Ltr.pdf)

Regards,

Marthea Rountree
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Environmental Protection Agency
OFA, NEPA Compliance Division, OECA
1200 Pennsylvania Ave., NW
AR Bld., Rm 7239 A (MC 2252A)
Washington, DC 20460

Phone - 202-564-7141

Fax - 202-564-0072 Yucca Mt.Repository DSEIS Comment Ltr.pdf Yucca Mt. Rail DSEIS Comment Ltr.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 10 2008

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Dr. Jane Summerson
EIS Document Manager
Regulatory Authority Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Dr., M/S 010
Las Vegas, NV 89134

Dear Dr. Summerson:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Department of Energy's (DOE) Draft Supplemental Environmental Impact Statement (SEIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV (CEQ # 20070429).

Since the publication of the Yucca Mountain Final EIS in 2002, DOE has continued to develop the repository design and associated plans for its construction, operation, and closure. However, by law, only the U.S. Nuclear Regulatory Commission (NRC) can approve the construction, operation, and closure of the repository. For this reason, DOE has prepared this draft SEIS to permit NRC to adopt it, as appropriate, for NRC's decision-making process regarding the approval for this project. The intent is to update the analysis and potential environmental impacts of transporting spent nuclear fuel and high-level radioactive waste to the repository while considering the current repository design and operational plans.

Current plans include proposed surface and subsurface facilities that would allow DOE to operate the repository for spent nuclear fuel and high-level radioactive waste shipped from 72 commercial and four DOE sites in transportation, aging and disposal (TAD) canisters. The TAD canisters would be transported mostly by rail to the repository where they would be placed in waste packages for disposal and emplaced underground. DOE is also in the process of seeking NRC certification/approval for the TAD canister design for surface storage at commercial sites, transportation, and geologic disposal at the repository.

Based on our review of the draft SEIS, EPA offers the following comments.

Radiation Protection Standards

1

[It should be noted that because EPA's final public health and environmental radiation protection standards (40 CFR part 197) have not yet been finalized, EPA's review of the post-closure safety analyses in the SEIS was limited to the broader aspects of the analyses, such as the characterization of EPA's proposed standards or the description of geologic or other processes at the site. Nevertheless, EPA recommends that DOE accurately reflect the language in the proposed standards. For example, on page 5-4 of the SEIS, Section 5.1.1, DOE states "The proposed EPA standards require DOE to represent long-term climate using a probabilistic distribution for a constant-in-time but uncertain long-term average climate for Yucca Mountain specified by NRC." EPA's proposal does not require that long-term climate be represented by constant conditions; rather, EPA allows it to be represented in this way after finding that such a representation would simplify the analyses while still addressing the most important aspects of long-term climate change.]

Seismic Activity

2

[Section 3.1.3.3, Modern Seismic Activity (pages 3-22 and 3-23), discusses the nature of seismic activity in the region around Yucca Mountain. DOE notes that questions have been raised in recent journal articles regarding the differences in observed strain rates in the area versus forecasted rates (which form the bases for the design of the Yucca Mountain repository and forecasting its long-term performance), and whether these rates have been underestimated. If this is correct, the analysis of the potential for seismic (and volcanic) hazards could be underestimated. EPA recommends that the final SEIS explain how DOE will determine the appropriate strain rates to be incorporated in the conceptual seismic model.]

3

[In consideration of the abovementioned issues, and pursuant to our policies and procedures for conducting reviews of EISs pursuant to section 309 of the Clean Air Act, we have rated the draft SEIS as Environmental Concerns/Insufficient Information (EC-2). See enclosed "Summary of EPA Rating System"]

We appreciate the opportunity to review this draft SEIS. We look forward to reviewing the final SEIS for this project. The staff contact for the review is Marthea Rountree and she can be reached at (202) 564-7141.

Sincerely,



Anne Norton Miller
Director
Office of Federal Activities

Enclosure